

(Continued from 3rd page.)

the streets, avenues and crosswalks of the village.

III. For lighting the streets; expenses of the village, and such other expenses as may be incurred in carrying into effect the provisions of this act.

IV. For the payment of any indebtedness of the village, or any interest of the same.

19. And be it enacted, That the board of trustees shall have power to borrow money from time to time, for all purposes, for which they are authorized to raise money by tax, in anticipation of the taxes for any current year, to an amount not exceeding in the whole the sum of four thousand dollars; and for any special purpose, such as the laying out, opening, vacating, straightening, altering or widening of any street or highway, or the altering of any grade or highway, or any other part thereof, in anticipation of assessments for such improvement, to an amount not exceeding the cost of such improvement, and for any period not exceeding the term of two years; and to secure the payment of such loans by bond or other instrument, with the common seal of said village, and signed by the village president and clerk; and that the said board of trustees shall also have power, for the general purpose of paving and repaving, macadamizing or remacadamizing the principal streets and highways (which shall be under the control of said trustees) to borrow money from time to time as the same may be actually required, any sum or sums not exceeding the sum of four thousand dollars, and to secure the payment of the same by bonds to be sealed with the common seal of the said village, and signed by the village president and clerk, and countersigned by at least three trustees, said bonds to be known as "Irvington Village Improvement Bonds"; and to bear interest at the rate of seven per centum per annum and the principal thereof to be paid as said trustees may direct.

20. And be it enacted, That the board of trustees shall at their discretion and from time to time, appoint and remove one or more officers, one constable, one pound-keeper and one judge of election, and such other officers or agents as they may deem necessary to enable them to carry into effect the provisions of this act, and that every person so appointed shall be a resident and legal voter of the village, and shall continue in his office until he shall be removed, or until another person shall be appointed to succeed him, and shall enter upon the duties of said office; and all such officers so appointed shall, besides the powers and duties herein or by any ordinance of said board of trustees specifically conferred or imposed upon them, respectively possess the powers and perform the duties of like officers in towns of this state, be qualified and enter upon their offices in the same way and be entitled to receive such compensation, in addition to the fees allowed such like officers by any general law or laws of this state, as may be determined by said board of trustees.

21. And be it enacted, That the village clerk as the clerk of the board of trustees shall attend all of their meetings and keep a true and full record of all their proceedings, he shall have the custody of the seal and of all the books and papers belonging to the village or which may be filed in his office; he shall engross all ordinances and by-laws passed by the board of trustees in a book kept by him for that purpose; he shall countersign and keep an accurate record of all warrants for the withdrawal of monies from the village treasury, and shall also countersign and seal all bonds or other obligations for the payment of moneys by the village under the direction of the board; he shall pay over to the village treasurer daily all moneys belonging to the village which may come into his hands; he shall record and carefully index in books prepared for that purpose all certificates and declarations of sale of lands and real estate for unpaid assessments; and shall cancel the said certificates when the said lands and real estate shall be redeemed; he shall give to all persons who may apply for the same certificates of search in such records, receiving a fee of one dollar in each case for such certificates, declarations and redemptions of and from sales of lands and real estate, and said certificates of search, when verified by the common seal of said village shall be conclusive evidence against said village as to the truth of all matters and things stated therein; as clerk of elections he shall perform the duties as specified in section one of the laws of this state, and he shall also be required of him by the board of trustees.

22. And be it enacted, That copies of all papers filed or kept in the office of the village clerk, and the ordinances or records of the proceedings of the board of trustees or any part thereof, certified by the said clerk under the common seal of the village, shall be received as evidence thereof in all courts and places whatsoever.

23. And be it enacted, That the village treasurer shall keep all moneys received by him in behalf of the village and deposit the same in some bank, to be designated by the board of trustees; no money shall be expended by him or drawn from him for any purpose whatever, except upon the warrant of the village president, countersigned by the village clerk, and made in pursuance of the order of the board of trustees; he shall keep an accurate account of his receipts and disbursements, and shall report the same to the board of trustees as often as they shall direct; and his books and vouchers shall always be open to the inspection of the village president, or any member of the board of trustees, and at all reasonable hours to the inspection of any taxpayer; and he shall also perform such other duties as may be required of him by subsequent sections of this act, in relation to the sale and redemption of land and real estate for unpaid assessments, and the payment or tender of payment of damages assessed in favor of the owner of lands and real estate taken for damage by any improvement.

24. And be it enacted, That the said board of trustees shall from time to time at their discretion, appoint and remove three persons, who shall be freeholders in said village at the time of their appointment, and shall also have been resident therein for two years next prior to their appointment, who shall be called commissioners of assessment, and who shall be known and constituted the committee of assessments, and whose duty it shall be to assess as fairly, honestly and impartially as may be, damages in favor of the owner of owners of any lands or real estate, that shall be taken for or damaged by any general or local improvement hereinafter mentioned, and to assess the said damage or the expense of any such improvement as the case may be, fairly, honestly and impartially, upon the owner or owners of any lands or real estate along the line of the street, ave-

nue or section of the same so improved which in the opinion of said committee, will be benefited thereby, in proportion to the benefit; provided no committee shall act in any case where he is in any way personally interested in the assessment which is to be made, in which case said board of trustees shall appoint one or more persons as may be required, who shall however, possess the qualifications aforesaid.

25. And be it enacted, That it shall be the duty of the village clerk to transmit to the assessor of the township of Clinton, within ten days after the passage of the same, a copy of any ordinance or ordinance which may be passed by the board of trustees for raising any sum of money by tax, according to the eighteenth section of this act; it shall then be the duty of the said assessor to assess the said sum or sums upon the personal and real property liable to taxation within the limits of said village, and the duty of the collector of the said township to collect the same in the same manner and at the same time that the taxes in the said township of Clinton are assessed and collected; provided that no tax for the expenses of the commissioners to lay out streets, avenues and public squares in the township of Clinton and county of Essex, and for other purposes (according to an act passed February nineteenth, one thousand eight hundred and seventy-two, or any supplement thereto), shall be assessed and collected within the limits of said village, and that said collector and said assessor shall be bound to receive from the said board of trustees, for the additional service to be rendered under this act, the sum of six cents for every name upon their respective duplicates of persons within the said village to be taxed in accordance with this act.

26. And be it enacted, That all taxes so assessed under and in pursuance of any such ordinance, and all taxes raised for road purposes from property within the limits of said village, shall be paid over to the said village treasurer by the collector of said township, weekly, as they may be collected and received by him.

27. And be it enacted, That the said board of trustees shall have the exclusive control and management of the streets, sidewalks, crosswalks and gutters of said village (except such as shall be under the control of the Essex public road board), and of the working and repairing of the same.

28. And be it enacted, That the overseer of the streets, under the direction of the board of trustees, have the charge of the working and repairing of all streets, sidewalks, crosswalks and gutters as aforesaid, and of the keeping of the same clear of obstructions and in good order, and for that purpose is hereby invested with all the power belonging to the overseer of the streets of the township of this state under any general law or laws, and shall for such service receive such compensation per day as the board of trustees may from time to time determine.

29. And be it enacted, That hereafter no street, avenue or section of the same, to be laid out and opened in said village, shall be deemed and taken to be a public street or highway, unless laid out and opened by and by an ordinance of the board of trustees.

30. And be it enacted, That it shall be the duty of the board of trustees from time to time to ascertain and determine the precise lines, course and width of any street or streets in said village however laid out and opened, but which may have been used by the public for twenty years or more, as the said street or streets is, or are, or shall be used at the time of the passage of such ordinance, which shall be recorded in the record of proceedings of the board of trustees, and the said record shall be taken thereafter as conclusive evidence of the existence, lines, courses, and width of such street or streets as a public highway or highways, and the same shall thereafter be treated and maintained as such in all respects.

31. And be it enacted, That when any ordinance shall be presented to the board of trustees for making any improvement, general or local, such as laying out, opening, widening, straightening, vacating or otherwise improving any street, avenue, or section of the same in the said village, or any sidewalk, crosswalk or gutter thereof, public notice of such contemplated improvement shall be given by the village clerk, by posting a copy of the proposed ordinance for at least two weeks before the meeting of the board of trustees, at which such ordinance shall be considered, in five public places of said village, which notice shall state the time and place of the meeting of the board, at which they will proceed to consider the said ordinance; at such meeting ample opportunity shall be given to all parties in favor of or opposed to said improvement to present their views with reference to the same, either in writing or otherwise, as the board of trustees may at the time direct, and the board shall in their discretion adjourn from time to time for a further consideration of the matter.

32. And be it enacted, That any ordinance which may be passed by the board of trustees for any of the aforesaid improvements, shall be accompanied by a map prepared under the direction of the board of trustees, showing the location and character of the improvement, the lands and real estate, if any, to be taken therefor, and the names of the owners of such lands and real estate, and who are owners of such lands and real estate, and shall be filed in the office of the village clerk.

33. And be it enacted, That any and all of the aforesaid improvements shall be made by contract, under the direction of the board of trustees; that the contract shall issue in the usual form of contracts for public works, and that the contract shall be awarded to the lowest bidder; provided, he can give sufficient security for the faithful and prompt performance of the same, otherwise the lowest bidder who can give sufficient security shall be awarded the contract; provided, also, the owner or owners of the property to be improved shall have the liberty of doing the work, under the direction of the board of trustees; the board, however, may reserve the right to reject any and all bids.

34. And be it enacted, That as soon as may be after the completion of any such improvement, the expense thereof, including surveying, when required, and a moderate allowance, to be determined by the board of trustees for the cost of making both of the assessments hereinafter provided, shall be ascertained and determined by the said board, and be entered by resolution upon the record of their proceedings, and the amount so ascertained and determined shall hereafter be treated as, and held to be, the true and actual expense of making such improvement.

35. And be it enacted, That when any such ordinance or resolution in relation to any such improvement shall be passed by the board of trustees, a copy thereof, attested by the village clerk, shall, without delay, be handed by him to the committee of assessments, or any member thereof, who shall thereupon appoint a time and place of meeting for hearing the parties interested in such improvements; and the said clerk shall forthwith give public notice of the time and place of such meeting by posting such notices at five public places in the said village, two weeks prior thereto; and the nature and object of such improvement shall be briefly stated in said notice, so as to sufficiently identify the same.

36. And be it enacted, That the said committee of assessments shall attend at the time and place aforesaid; two of them shall be a quorum; and they shall have power to adjourn from time to time; they shall give all parties interested in or affected by the improvement ample opportunity to be heard upon the subject of the assessment; they shall view the premises, and have power to examine witnesses under oath by affirmation, which may be administered by any one of them; they shall in manner aforesaid assess the said damages, benefits or expenses, as the case may be, separately along the line of said street, and with due regard to the rights and interests of all persons concerned, as well as to the value of the lands and real estate taken, damaged or benefited; they shall certify their said assessments to the board of trustees, by a report in writing, signed by two of them, and such report shall be accompanied by a showing of the lands and real estate taken for or damaged by said improvement, and for which they have assessed damages, and also any lands and real estate benefited in their opinion, by said improvement, and upon which they have made any assessment, for either the benefits or expense of said improvement; such report and map may be considered by the board of trustees at any meeting, which shall be at least two weeks prior to the meeting of the board, at which the village clerk shall be present, and the said report and map shall be conclusive as to the manner of such service and shall be attached to said report as a part thereof; said notice shall briefly state the object of the meeting with reference to said assessments, at that or any subsequent meeting, the said board of trustees after considering the said report and map, shall may adopt and ratify the same with or without alteration, as to them may seem proper; it shall be the duty of the board of trustees, the matter to any committee or committees of their own body for further examination before taking final action upon it; and when the report shall be adopted and ratified, with or without alteration, the same shall be final and conclusive upon all parties, except as to such assessment from which appeals may be taken, as hereinafter provided, and such compensation shall be paid to the commissioners of assessments, or any services so required of them, as shall in each case be determined by a resolution of the board of trustees.

37. And be it enacted, That any person or persons, feeling himself or herself or themselves to be aggrieved by any such assessment of damages for any lands and real estate taken for or damaged by any such improvement, may appeal to the circuit court of said county, at any time within sixty days after the final adoption of said report by the board of trustees, and said court shall thereupon order a trial by jury to assess such damages anew, and said trial shall be conducted as in other cases of trial by jury; provided, that the completion of said improvement shall not be delayed thereby, and that the board of trustees may proceed therewith as though said appeal had not been taken.

38. And be it enacted, That before any such improvement shall be carried into effect, it shall be the duty of the village treasurer, under the direction of the board of trustees, to pay or tender unto the owner or owners of lands and real estate taken therefor or damaged thereby, as aforesaid, the amount or amounts of damages so assessed to him, her or them, respectively; provided, that if such owner does not reside in said village or is in any way incapacitated to receive such damages, or if such owner or owners will not accept such damages and sign a proper receipt therefor when tendered, then the said treasurer shall make an affidavit of the fact, and the same with the village clerk; and the board of trustees shall, after inquiry, direct the amount or amounts of said damages to be placed in a place of safe deposit for the use of the person or persons to whom the same may be due, and the same shall be paid to him, her or them when duly authorized to receive the same without interest; and provided also, no tender shall be necessary in any case where the owner or owners are equal to or exceed the amount of damages assessed in his, her or their favor, and a tender of the difference between the assessments and the amount of benefits assessed, shall have the same binding force and effect as a tender of the whole amount of the assessments for damages.

39. And be it enacted, That after said report of the committee of assessments shall have been adopted and ratified by the board of trustees with or without alteration as aforesaid, and shall have been recorded at full length in the records of their proceedings, it shall together with the last mentioned map be delivered to the village treasurer for preservation in his office; said treasurer shall immediately thereafter prepare an abstract of said report including therein a brief description of the improvement, the names of the several owners of the lands and real estate assessed; the several amounts so assessed against them; a brief description of the several parcels of said lands and real estate, specifying the locality thereof with reference to streets; the said treasurer shall enter such abstract in a book to be kept in his office for that purpose, which book shall be called the book of assessments of improvements, and he shall then give notice for four weeks in two newspapers printed in the county and having the largest circulation in the village, that said report and map have been delivered to him, and requiring the owners of lands and real estate so assessed to pay the several sums assessed against him, her or them, at his office, within ninety days from the first publication of said notice.

40. And be it enacted, That if any assessment required to be paid by virtue of this act shall not be paid within the aforesaid time, said assessment shall draw interest therefrom from and after that time until paid at the rate of one per centum per month.

THE COLLECTION OF UNPAID ASSESSMENTS.

41. And be it enacted, That any assessment for any improvement, whether for the benefit of or for the making of such improvement, together with interest on said assessment, and all costs and fees shall be and remain a lien upon the lands and real estate so assessed therefor for the space of three years from the twentieth day of May in the year in which said assessment shall be made, notwithstanding any devise, descent, alienation, mortgage, judgment or other incumbrance thereof, and notwithstanding any mistake or omission in the name or names of the owner or owners of such lands and real estate, or in the proper description of the land so assessed as aforesaid; provided the same can be identified by such description, and any assessment in which such mistake or omission occurs shall be valid and effectual in law as though said mistake or omission had not occurred.

42. And be it enacted, That in case any assessment for an improvement, together with interest thereon as aforesaid, and all costs and fees which may have accrued thereon, shall remain unpaid at the expiration of ninety days from and after the first publication of the notice mentioned in the thirty-sixth section of this act, it shall be the duty of the said village treasurer to proceed forthwith in the collection of said assessment, by enforcing the lien aforesaid upon the said lands and real estate in the manner hereinafter provided.

43. And be it enacted, That the said treasurer shall, at the expiration of the ninety days mentioned in the last section, give a second notice, by an advertisement in two newspapers printed in said county and circulating in said village, that unless said assessment together with interest thereon as aforesaid, and all costs and fees shall be paid to him at his office within thirty days after the first publication of said second notice, he will proceed, at a certain time and place therein specified, and between the hours of one and five o'clock in the afternoon, to make sale in accordance with the provisions of this act, of the said land and real estate whereon the said assessments have been imposed or may be a lien; said second notice shall contain a brief abstract of said assessments showing the name or names of the owner or owners (when known), a brief description of said lands and real estate, and the amount of the said assessments due thereon, and it shall be lawful to incorporate more than one assessment in said notice; if the name or names of such owner or owners shall not be known then the words "owner unknown," may be inserted in such notice, and all proceedings shall be as valid and effectual and binding upon all parties as though the true name or names of such owner or owners had been inserted in such notice.

44. And be it enacted, That at the time and place and between the hours mentioned in said notice, the said village treasurer shall proceed to sell, by public auction, the several parcels of the said lands and real estate upon which the said assessments still remain due and unpaid, for the lowest term of years, in no case exceeding fifty years, for which any person will take the same and pay the amount of such assessments with the interest thereon as aforesaid, and all costs and fees, including the expenses of advertisement and sale; such payment shall be made by the purchaser before the close of the sale, and if not so made, the said village treasurer may resell the property, or the said village may have its action against the purchaser for the payment of the whole amount due, with the interest thereon, at the rate of one per centum per month, the sale may be adjourned from time to time at the discretion of said treasurer, until all the said lands and real estate shall have been disposed of, and such parcels as are not bid for when offered for sale or resale as aforesaid, shall be struck off to the village for the term of fifty years.

45. And be it enacted, That at or after the close of the sale, the said village treasurer shall make out under his own hand and seal and deliver to each purchaser a certificate of the sale of each lot or parcel of said lands and real estate so purchased by him, and such certificate shall contain a short description of the property and the sale, the term of years for which it was sold as well as the time when the right to redeem the same will expire; such certificate shall also show the particular assessment under which the sale was made, to the amount of interest, costs, fees and expenses; such certificate shall be presumptive evidence of the facts stated therein, and shall be recorded in the office of the village clerk in books to be kept for the purpose, and after being so recorded, shall constitute a lien upon the lands and premises therein described; and the said certificate may be assigned, but no such assignment shall have any effect until the same shall be recorded as aforesaid in the office of the village clerk; and no declaration of sale shall be executed and delivered to such purchaser or assignee as hereinafter provided, until the said certificate shall have been canceled and filed with the village clerk, unless the sale and declaration thereof be established by affidavit to the satisfaction of the board of trustees.

46. And be it enacted, That the village treasurer shall keep a full and accurate record in his office of all proceedings upon such sales, including a statement of all certificates granted, and all redemptions of property sold by him, to which record all parties claiming to be interested shall have free access at all reasonable times.

47. And be it enacted, That if the village treasurer, the purchaser of any lands and real estate at such sale, the certificate of sale shall be assignable as aforesaid and all other provisions of this act in relation to the sale shall apply to the village the same as to any other purchaser.

48. And be it enacted, That no mortgage or assignment of any mortgage, whose mortgage or deed of assignment shall have been duly recorded or registered before any such sale shall be divested of his rights in any property sold as aforesaid covered by such mortgage, unless six months' notice of such sale shall have been given to him in writing by the purchaser or by any person claiming under him; such notice shall be served personally upon the said mortgagee or assignee if a resident of the county of Essex, or if he be not so resident, by being directed to him at his place of residence as stated in the mortgage or deed of assignment, and by being deposited in the post office of said village with postage prepaid, and in case of such non-residence of such mortgagee or assignee, said notice shall likewise be published for the space of two months in two newspapers printed in said county and circulating in said village; and within one month after such service, or service and publication of said notice, it shall be the duty of the person serving, or causing the same to be served, to file in the office of the said village treasurer a copy of said notice, together with satisfactory proof of the manner of service, or service and publication thereof, in accordance with the provision of this act.

49. And be it enacted, That the owner, mortgagee, or occupant of any person having an equitable interest in any lands or real estate sold as aforesaid, may redeem the same at any time within three years thereafter, by paying the village treasurer, for the use of the purchaser, his legal representatives or assigns, the said purchase money, together with any assessment for taxes or otherwise, which the said purchaser may have paid, and of the payment of which he may have filed a written notice in the office of the said village treasurer, together with interest at the rate of two per centum per month, upon such purchase money from the time of such sale; and upon such payment or payments from the time of filing such notice or notices as aforesaid; and the certificate of said treasurer, stating the receipt of such money, and showing what property the same were intended to redeem, shall be evidence of such redemption, and upon receipt of such money by the said treasurer, he shall cause the same to be refunded to the purchaser, his legal representative or assigns, on demand; and all proceedings in relation to said sale shall then cease and determine; and if the person so redeeming be a judgment creditor or a mortgagee, or the assignee of a judgment creditor or mortgagee, he shall have a lien on the lands and real estate so redeemed by him, by virtue of this act, for the amount so paid him for such redemption, with interest thereon at the rate of twelve per centum per annum, in the same manner as if the same had been included in his mortgage or judgment, and he may enforce the payment thereof in the same manner; and the said treasurer shall make out two certificates for all property so redeemed, one to be kept by the person so redeeming the same, and the other to be filed in the office of the village clerk.

50. And be it enacted, That if any lands and real estate so sold shall not be redeemed as aforesaid, the board of trustees shall, in the name of said village, execute to the purchaser or his legal representative or assigns, a declaration of sale signed by the village president and attested by the village clerk, containing a brief description of the property sold, together with a brief statement of the facts of assessment, advertisement and sale, including the date of sale and the terms upon which said premises were sold; said declaration shall be recorded in the office of the village clerk, in books to be kept for the purpose, and until the same shall be so recorded, such lands and real estate may be redeemed as heretofore provided, notwithstanding the period of three years from the time of such sale may have expired; such declaration of sale shall be presumptive evidence in all courts and places that such sale and proceedings were regularly made and had, according to the provisions of this act, been assigned to the purchaser or his legal representative or assigns, by virtue thereof, lawfully, and shall, by virtue thereof, lawfully, be kept for the purpose, and until the same shall be so recorded, such lands and real estate may be redeemed as heretofore provided, notwithstanding the period of three years from the time of such sale may have expired; 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